

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

*

CRIMINAL NO. 10-00081-KD

v.

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RODNEY LAMON LUTIN

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PRELIMINARY ORDER OF FORFEITURE

WHEREAS, in the Superseding Information in the above-entitled case, the United States sought forfeiture of property which represented drug proceeds, and/or property used to facilitate drug transactions of defendant **RODNEY LAMON LUTIN**, pursuant to Title 21, United States Code, Section 841;

AND WHEREAS, based upon the Superseding Information, the guilty plea entered on June 10, 2010, and the Plea Agreement entered into between the United States and defendant **RODNEY LAMON LUTIN**, and for the reasons stated, it is hereby;

ORDERED, ADJUDGED AND DECREED, that pursuant to Title 21, United States Code, Sections 841 and 846, and Federal Rule of Criminal Procedure 32.2(b), the interest of the defendant, **RODNEY LAMON LUTIN** in the property identified as follows is hereby condemned and forfeited to the United States for disposition according to law:

Drug proceeds in the amount of \$3,176.00. (Three thousand one hundred seventy-six and 00/100 dollars).

AND WHEREAS, by virtue of said guilty plea and said Plea Agreement, the United States is now entitled to, pending possible appeal herein, reduce the said property to its possession and notify any and all potential third parties who have or may have an interest in the forfeited property, pursuant to Title 21, United States Code, Section 853 and Rule 32.2(b) of the

Federal Rules of Criminal Procedure.

NOW THEREFORE, IT IS HEREBY **ORDERED, ADJUDGED AND DECREED:**

That based on the Plea Agreement, the factual resume, the guilty plea, and Fed.R.Crim.P 32.2(b)(3), and pursuant to the defendants' consent, all right, title and interest of defendant, **RODNEY LAMON LUTIN**, in the above-described property is hereby forfeited to and vested in the United States of America for disposition in accordance with law, subject to the provisions of Title 21, United States Code, Section 853(n).

That the aforementioned property is authorized to be held by the United States Marshals Service in their secure custody and control.

Pursuant to 21 U.S.C. § 853(n)(1) and the Attorney General's authority to determine the manner of publication of an Order of Forfeiture in a criminal case, the United States shall publish notice of this order on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days.

This notice will state that any person, other than the defendant, having or claiming a legal interest in any of the above described forfeited property must file a petition the Court within 60 days of the first date of publication of notice (which date shall be set forth in the notice). The petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title or interest, and any additional facts supporting the petitioner's claim and the relief sought. The petition must be filed with the Clerk of the Court, 113 St. Joseph Street, Mobile, Alabama 36602 and a copy served upon Assistant United States Attorney, George F. May, 63 South Royal Street, Suite 600, Mobile, Alabama 36602.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in Title 21, United States Code, Section 853(n)(2) for the filing of third-party petitions.

Pursuant to Fed. R. Crim. P. 32.2(b)(3), and the Plea Agreement signed by the parties, this Preliminary Order of Forfeiture shall become final as to the defendants at the time of execution and shall be made part of the sentence included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

The Clerk of the Court shall forward four (4) certified copies of this Order to Assistant U.S. Attorney George F. May, U.S. Attorney's Office, Southern District of Alabama.

DONE and ORDERED this the **28th** day of **September 2010**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE